

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JUNE 18, 2007 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Marvin; Council Members: Camp, Cook, Emery, Eschliman, Spatz, Svoboda; City Clerk, Joan E. Ross.

Council Chair Marvin asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

ESCHLIMAN Having been appointed to read the minutes of the City Council proceedings of June 11, 2007, reported having done so, found same correct.

Seconded by Spatz & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

PUBLIC HEARING

MANAGER APPLICATION OF JOHN MCMILLAN FOR DHABS LLC DBA BARRYMORE'S AT 124 N. 13TH STREET - John McMillan, 2424 T St., came forward to take oath and answer questions.

This matter was taken under advisement.

MANAGER APPLICATION OF SCOTT S. HATFIELD FOR RHINO DYNAMICS INC. DBA DUFFY'S TAVERN AT 1406-1412 O STREET - Scott S. Hatfield, 3427 S. 29th St., came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF SUPER TARGET LIQUOR OF NEBRASKA, INC. DBA TARGET STORE T-2303 FOR A CLASS DK LIQUOR LICENSE AT 8201 S. 40TH STREET;
MANAGER APPLICATION OF SCOTT HANSEN FOR SUPER TARGET LIQUOR OF NEBRASKA, INC. DBA TARGET STORE T-2303 AT 8201 S. 40TH STREET - Scott A. Hansen, 10910 Black St., Omaha, NE, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF ALLEY INC. DBA THE ALLEY TO EXPAND IT PRESENTLY LICENSED PREMISE TO READ AS A ONE STORY BUILDING 50 FEET BY 83 FEET INCLUDING AN OUTSIDE BEER GARDEN AREA MEASURING APPROXIMATELY 16 FEET BY 28 FEET - Kandy Hallett, 914 N. Colorado, Hastings, NE, came forward to take oath and answer questions.

This matter was taken under advisement.

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION BY CREATING A NEW CHAPTER 8.18 ENTITLED "COMMUNICABLE DISEASE ACT" TO DEFINE AND AUTHORIZE ACTIONS RELATED TO COMMUNICABLE, CONTAGIOUS AND INFECTIOUS DISEASES - Bruce Dart, Health Department Director, came forward to clarify terms in the language. Discussion followed.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF SENIOR PUBLIC HEALTH NURSE - Bruce Dart, Health Department Director, came forward to explain the classification. Discussion followed.

This matter was taken under advisement.

APPROVING THE SALE OF THE THREE CITY OWNED PROPERTIES (THE TRIPLETS) LOCATED AT 1425, 1437, AND 1441 N. 15TH STREET FOR APPRAISED VALUES OR ABOVE - David Landis, Urban Development Director, came forward to explain the expense sheet. Discussion followed.

Steve Werthmann, Urban Development Housing Rehabilitation & Real Estate Manager, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING A MULTI-YEAR AGREEMENT BETWEEN THE CITY AND MIDWEST GOLF INC. FOR THE SALE OF ADVERTISING ON TEE SIGNS AT EACH OF THE CITY'S FIVE GOLF COURSES - Steve Hiller, Parks & Recreation Supt. of Golf Operations, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

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CHANGE OF ZONE 07028 - APPLICATION OF HIDDEN VALLEY ESTATES LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF S. 112TH STREET AND PINE LAKE ROAD. (RELATED ITEMS: 07-98, 07R-119);

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND HIDDEN VALLEY ESTATES LLC RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT S. 112TH STREET AND PINE LAKE ROAD. (RELATED ITEMS: 07-98, 07R-119) (ACTION DATE: 6/25/07) - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing the applicant, to explain the comprehensive plan goal and answer questions.

Mike Eckert, Civil Design Group, Inc., 3901 Normal Blvd., Suite 203, came forward to present exhibits regarding the change of zone.

This matter was taken under advisement.

APPROVING THE FISCAL YEAR 2007 ACTION PLAN: ONE YEAR USE OF FUNDS FOR PLAN FOR HUD ENTITLEMENT PROGRAMS - Wynn Hjermsstad, Urban Development Department Community Development Manager, came forward to explain the action plan. Discussion followed.

This matter was taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF JOHN MCMILLAN FOR DHABS LLC DBA BARRYMORE'S AT 124 N. 13TH STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption for approval:

A-84408 WHEREAS, DHABS LLC dba Barrymore's located at 124 N. 13th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that John McMillan be named manager;

WHEREAS, John McMillan appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that John McMillan be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by John Spatz

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

MANAGER APPLICATION OF SCOTT S. HATFIELD FOR RHINO DYNAMICS INC. DBA DUFFY'S TAVERN AT 1406-1412 O STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption for approval:

A-84409 WHEREAS, Rhino Dynamics Inc. dba Duffy's Tavern located at 1406-1412 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Scott S. Hatfield be named manager;

WHEREAS, Scott S. Hatfield appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Scott S. Hatfield be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by John Spatz

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

APPLICATION OF SUPER TARGET LIQUOR OF NEBRASKA, INC. DBA TARGET STORE T-2303 FOR A CLASS DK LIQUOR LICENSE AT 8201 S. 40TH STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption

for approval:

A-84410 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Super Target Liquor of Nebraska dba Target Store T2303 for a Class "DK" liquor license at 8201 S. 40th Street, Lincoln, Nebraska, for the license period ending April 30, 2008, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by John Spatz

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

MANAGER APPLICATION OF SCOTT HANSEN FOR SUPER TARGET LIQUOR OF NEBRASKA, INC. DBA TARGET STORE T-2303 AT 8201 S. 40TH STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption for approval:

A-84411 WHEREAS, Super Target Liquor of Nebraska dba Target Store T2303 located at 8201 S. 40th Street, Lincoln, Nebraska has been approved for a Retail Class "DK" liquor license, and now requests that Scott Hansen be named manager;

WHEREAS, Scott Hansen appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Scott Hansen be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by John Spatz

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

APPLICATION OF ALLEY INC. DBA THE ALLEY TO EXPAND IT PRESENTLY LICENSED PREMISE TO READ AS A ONE STORY BUILDING 50 FEET BY 83 FEET INCLUDING AN OUTSIDE BEER GARDEN AREA MEASURING APPROXIMATELY 16 FEET BY 28 FEET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption for approval:

A-84412 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Alley Inc. dba The Alley to expand its licensed premises by the addition of an area measuring approximately 13 feet by 24 feet to the south of the presently licensed premises so that the entire premises reads as a one story building 50 feet by 83 feet including an outside beer garden area measuring approximately 16 feet by 28 feet located at 1029-1031 M Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by John Spatz

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITARY BY CREATING A NEW CHAPTER 8.18 ENTITLED "COMMUNICABLE DISEASE ACT" TO DEFINE AND AUTHORIZE ACTIONS RELATED TO COMMUNICABLE, CONTAGIOUS AND INFECTIOUS DISEASES - CLERK read an ordinance, introduced by Robin Eschliman, amending Title 8 of the Lincoln Municipal Code relating to Health and Sanitary by creating a new Chapter 8.18 entitle "Communicable Disease Act" to define and authorize actions related to communicable, contagious and infectious diseases, the second time.

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AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF SENIOR PUBLIC HEALTH NURSE - CLERK read an ordinance, introduced by Robin Eschliman, amending Section 1 of Ordinance No. 18780 passed August 14, 2006, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A", by creating the job classification of "Senior Public Health Nurse", the second time.

APPROVING THE SALE OF THE THREE CITY OWNED PROPERTIES (THE TRIPLETS) LOCATED AT 1425, 1437, AND 1441 N. 15TH STREET FOR APPRAISED VALUES OR ABOVE - CLERK read an ordinance, introduced by Robin Eschliman, authorizing the sale of City owned property at 1425, 1437, and 1441 North 15th Street, the second time.

APPROVING A MULTI-YEAR AGREEMENT BETWEEN THE CITY AND MIDWEST GOLF INC. FOR THE SALE OF ADVERTISING ON TEE SIGNS AT EACH OF THE CITY'S FIVE GOLF COURSES - CLERK read an ordinance, introduced by Robin Eschliman, approving a multi-year Agreement between the City of Lincoln, Nebraska and Midwest Golf, Inc. For the sale of advertising on tee signs at each of the City's five golf courses, the second time.

CHANGE OF ZONE 07028 - APPLICATION OF HIDDEN VALLEY ESTATES LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF S. 112TH STREET AND PINE LAKE ROAD. (RELATED ITEMS: 07-98, 07R-119) - CLERK read an ordinance, introduced by Robin Eschliman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND HIDDEN VALLEY ESTATES LLC RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT S. 112TH STREET AND PINE LAKE ROAD. (RELATED ITEMS: 07-98, 07R-119) (ACTION DATE: 6/25/07).

RESOLUTIONS

APPROVING THE COMPARISON OF METHODS FOR ESTIMATION OF ANNUAL POLLUTANT LOADS FROM STORM DRAIN DISCHARGE BY THE UNIVERSITY OF NEBRASKA - LINCOLN FOR EVALUATION OF HISTORIC POLLUTANT LOADS AND OF PROPOSED MONITORING LOCATIONS FOR A PERIOD OF MAY 15, 2007 THROUGH DECEMBER 31, 2007 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84413 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the proposal for "Comparison of Methods for Estimation of Annual Pollutant Loads from Storm Drain Discharges" for evaluation of historic pollutant loads and of proposed monitoring locations, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved, upon the terms and conditions as set forth in said proposal, and the Mayor is authorized to execute said proposal on behalf of the City.

The City Clerk is directed to return one fully executed copy of said proposal to the University of Nebraska-Lincoln, 312 N. 14th Street, Alex West, P.O. Box 880430, Lincoln, NE 68588-0430.

Introduced by Robin Eschliman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

APPROVING THE FISCAL YEAR 2007 ACTION PLAN: ONE YEAR USE OF FUNDS FOR PLAN FOR HUD ENTITLEMENT PROGRAMS - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84414 WHEREAS, the City of Lincoln, Nebraska, acting by and through the Mayor as the Chief Executive Officer and the City Council as the Legislative body of this City, with full citizen participation with reference thereto and in full compliance with the U.S. Department of Housing and Urban Development requirements, has prepared the City of Lincoln FY 2007 Third Program Year Action Plan outlining the activities and initiatives of Urban Development for CDBG, HOME, and ADDI entitlement funds from HUD Entitlement Programs under the provisions of 24 C.F.R., Part 91, et al.; and

WHEREAS, such plan includes the proposed community development activities and community development objectives, all prepared in full compliance with the requirements, instructions, and recommendations contained in the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and American Dream Downpayment Initiative; and

WHEREAS, such plan and the items contained therein and each of them appear to be in the best interest of the City of Lincoln, Nebraska; and

WHEREAS, certain assurances must be incorporated into the City of Lincoln's FY 2007 Action Plan, as prescribed in the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and American Dream Downpayment Initiative and 24 C.F.R., Part 91.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the FY 2007 Action Plan, a copy of which is attached hereto, is hereby approved and the Mayor is authorized to submit the FY 2007 Action Plan to the Department of Housing and Urban Development for total grants for Fiscal Year 2006 in the amount of \$3,972,540 (\$2,536,499 CDBG; \$1,406,263 HOME; and \$29,778 ADDI) under the provisions of Title I of the Housing and Community Development Act of 1974, as amended, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, Title IV of Subtitle B of the Stewart B. McKinney Homeless Assistance Act of 1988, as amended, and each and every item included therein is hereby approved. The Mayor and other City officials charged with responsibilities pertinent to the proposed certifications are hereby authorized to execute said certifications for and on behalf of the City of Lincoln, Nebraska, and the Mayor is hereby authorized and directed to execute said statement for and on behalf of the City of Lincoln, Nebraska, to submit same to the Secretary of Housing and Urban Development, or his designate, in the form and substance as required by the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and the American Dream Downpayment Initiative, and to supplement such Action Plan in any way reasonably required by the Department of Housing and Urban Development to expedite approval of the same.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements of Federal Management Circulars 74-4 and 74-7 and OMB Circular A-87 and 24 Code of Federal Regulations, Part 85, as they relate to the Action Plan, acceptance and use of Federal funds for the City's federally-assisted programs.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska hereby assures and certifies with respect to the FY 2007 Action Plan that:

1. The City will affirmatively further fair housing.
2. The City has in effect and is following a residential anti-displacement and relocation assistance plan.
3. The City will continue to provide a drug-free workplace by:
 - a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - b. Establishing an ongoing drug-free awareness program to inform employees about -
 - i. The dangers of drug abuse in the workplace;
 - ii. The grantee's policy of maintaining a drug-free work-place;
 - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by subparagraph (1);
 - d. Notifying the employee in the statement required by sub-paragraph (a) that, as a condition of employment under the grant, the employee will:
 - i. Abide by the terms of the statement; and
 - ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug

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statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.ii. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designated on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.ii., with respect to any employee who is so convicted -

i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs a, b, c, d, e, and f.

4. The City will comply with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms if required by that part. The City further certifies that to the best of the City's knowledge and belief:

a. No federal appropriated funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence any officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;

b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

c. The City will require that the language of paragraph 4 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

5. The City possesses legal authority under state and local law to make a grant submission and to carry out the proposed community development and housing program for which it is seeking funding in accordance with applicable HUD regulations. By passage of this resolution, the Mayor, as the official representative of the City of Lincoln is hereby authorized to submit the Action Plan, including all the understandings and assurances contained therein. Further the Mayor is hereby directed and authorized to act in connection with the submission of the Action Plan and to provide such additional information as may be required.

6. The housing activities to be undertaken with CDBG, HOME, and ADDI funds are consistent with the City's strategic plan.

7. The City will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under 24 C.F.R. § 570.606(b) and Federal implementing regulations; and the requirements in 24 C.F.R. § 570.606(c) governing the residential antidisplacement and relocation assistance plan under Section 104(d) of the Act (including a certification that the grantee is following such a plan); and the relocation requirements of 24 C.F.R. § 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

8. The City will comply with Section 3 of the Housing and Urban

Development Act of 1968 (12 U.S.C. 1701a) and implementing regulations at 24 CFR Part 135.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with respect to the Community Development Block Grant program portion of the FY 2007 Action Plan that:

1. The City is in full compliance and following a detailed citizen participation plan that satisfies the requirement of 24 CFR § 91.105 and which:

a. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used, and provides for participation of residents in low and moderate income neighborhoods as defined by the City;

b. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the City's proposed use of funds, as required by the regulations of the Secretary, and relating to the actual use of funds under the Act;

c. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

d. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;

e. Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and

f. Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;

2. The City's strategic housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been in accordance with the primary objective of the statute authorizing the CDBG Program, as described in 24 CFR 570.2 and the requirements of 24 CFR Part 91 Subpart C and 24 CFR Part 570.

3. The City is following a current HUD approved consolidated plan.

4. The City has developed its final statement of projected use of funds so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight; (the final statement of projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available); except that the aggregate use of CDBG funds received under Section 106 of the Act and, if applicable, under Section 108 of the Act, during program year 2006 shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit such persons during such period.

The City will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under Section 106 of the Act or with amounts resulting from a guarantee under Section 108 of the Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

a. Funds received under Section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Act; or

b. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the City certifies to the Secretary that it lacks sufficient funds received under Section 106 of the Act to comply with the requirements of subparagraph (1) above.

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5. The City has adopted and is enforcing:
 - a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
 - b. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.
6. The City will conduct and administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d et seq.), the Fair Housing Act (42 U.S.C. 3601-19), and implementing regulations.
7. The City's notification, inspection, testing and abatement procedures concerning lead-based paint will comply with 24 C.F.R. § 570.608.
8. The City will comply with all applicable law.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with respect to the HOME program portion of the FY 2006 Action Plan that:

1. The tenant-based assistance is an essential element of its strategic plan;
2. The City is using and will use HOME funds for eligible activities and costs, as described in §§ 92.205 through 92.209 of 24 C.F.R., Subtitle A, and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214 of 24 C.F.R. Subtitle A;
3. Before committing funds to a project, the City will evaluate the project in accordance with guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other federal assistance than is necessary to provide affordable housing.

Introduced by Robin Eschliman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JULY 9, 2007 AT 1:30 P.M. FOR THE APPLICATION OF PLAYMAKERS, INC. DBA PLAYMAKERS SPORTS BAR & GRILL TO ADD A CATERING LICENSE TO THEIR CLASS C LIQUOR LICENSE AT 640 W. PROSPECTOR, SUITE 300 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84415 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 9, 2007, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of Playmakers Inc. dba Playmakers Sports Bar & Grill to add a catering license to their Class C liquor license at 640 W. Prospector, Suite 300. If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by John Spatz

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JULY 9, 2007 AT 1:30 P.M. FOR THE APPLICATION OF HHMG, INC. DBA CHRISTO'S PUB FOR A CLASS C LIQUOR LICENSE AT 1200 O STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84416 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 9, 2007, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of HHMG, Inc. dba Christo's Pub for a Class C liquor license at 1200 O Street. If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by John Spatz

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

MISCELLANEOUS BUSINESS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JUNE 4, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF APRIL, 2007 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FROM TIME WARNER CABLE FOR THE QUARTER ENDING DECEMBER 31, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FROM TIME WARNER CABLE FOR THE QUARTER ENDING MARCH 31, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

REPORT OF CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF MARCH 2007: D&D COMMUNICATIONS, NEBRASKA TECH. & TELECOMM. INC., WINDSTREAM NEBRASKA, INC. CO. #150, WINDSTREAM SYSTEMS OF THE MIDWEST, INC. CO. #522, USCOC OF GREATER IOWA, INC., CRICKET COMM., AT&T COMM. OF MIDWEST, NEW CINGULAR WIRELESS, VIRGIN MOBILE USA, QWEST COMM., ON STAR CORP., WORKING ASSETS FUNDING SERVICE INC., PRIMUS TELECOMM., INTELLICALL, NORSTAN NETWORK, ATS MOBILE TELEPHONE, ADVANCED TEL, BUSINESS TELECOM, LDMI TELECOMM., VOICECOM, CINCINNATI BELL, TELECOMM. SYS. CORP. OF MARYLAND, EARTHLINK, TRACFONE WIRELESS, ACN COMM. SERVICES, ANDIAMO TELECOM, MOLLOA COMM., VERIZON BELL ATLANTIC, MCLEOD USA, UCN INC., TELECORP COMM., ACCESSLINE COMM., TRANS NATIONAL, GLOBAL CROSSING, BROADBAND DYNAMICS, GLOBAL CROSSING BANDWIDTH, VERIZON SELECT SERVICES, OPEX COMM., GLOBALSTAR USA, BROADWING COMM., XO COMM., GUARANTEED PHONE SERVICE, BUSINESS PROD. SOLUTIONS, CIMCO COMM., IBM GLOBAL SERVICES, TELEPLUS WIRELESS, TON SERVICES, KDDI AMERICA, QUANTUM SHIFT COMM.; APRIL 2007: COMTEL TELCOM ASSETS, AT&T COMM. OF MIDWEST, LEVEL 3 COMM., SPRINT SPECTRUM, NPCR INC., WWC LICENSE LLC, ALLTEL COMM. OF NEBR., MCI WORLDCOM, D&D COMM., NETWORK BILLING, ENHANCED COMM., ZONE TELECOM, TRI-M COMM., GTC TELECOM CORP., ACCERIS COMM., SBC LONG DISTANCE, NEXTEL WEST CORP., 360 NETWORKS, FIRST COMM., BT AMERICAS INC., GLOBALCOM, NOS COMM., NOSVA LIMITED PARTNERSHIP, COVISTA, WHO'S CALLING, USCOC OF NEBRASKA/KANSAS; QUARTER ENDING MARCH 31, 2007: WINDSTREAM NEBRASKA INC. CO. #494, CAUSE BASED INC., IDT CORP., PNG TELECOMM., AIRCELL, COMTEL TELCOM ASSETS, SOUTHWEST COMM., STARTEC GLOBAL OPERATING, RELIANCE, TELENATIONAL, FAST PHONES OF NEBR., TRINSIC COMMUNICATIONS, INC. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

CHANGE OF ZONE 07022 - APPLICATION OF HOPPE PARTNERS LTD. FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF S. 19TH AND L STREETS - CLERK read an ordinance, introduced by John Spatz, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

AMENDING CHAPTER 8.20 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN FOOD CODE, TO ADOPT THE FDA FOOD CODE AS THE BASIS FOR THE NEBRASKA PURE FOOD ACT AND TO BE CONSISTENT WITH THE NEBRASKA PURE FOOD ACT - CLERK read an ordinance, introduced by John Spatz, amending Chapter 8.20 of the Lincoln Municipal Code relating to the Lincoln Food Code by amending Section 8.20.050 to reflect changes made by the State of Nebraska to the Pure Food Act, Neb. Rev. Stat. § 81-2,239 et seq., which will provide consistency between the local ordinance and state law; and repealing Section 8.20.050 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 07029 - APPLICATION OF CAPITAL SENIOR LIVING PROPERTIES FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT AND O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT GRAMERCY ROAD AND A STREET - CLERK read an ordinance, introduced by John Spatz, amending the Lincoln Zoning District Maps attached to and made a part of

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Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 07032 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE FOR MORE FLEXIBILITY OF USES AND BUILDING ARRANGEMENTS ON RESIDENTIAL ZONED LOTS BY AMENDING SECTION 27.63.580 TO ALLOW THE CUSTOMARY SERVICES OF NONPROFIT RELIGIOUS, EDUCATIONAL AND PHILANTHROPIC INSTITUTIONS, EXCLUDING RETAIL USES, TO LOCATE WITHIN R-6, R-7, AND R-8 BY SPECIAL PERMIT; AMENDING SECTION 27.71.130 TO ALLOW, UNDER SPECIFIED CONDITIONS, MORE THAN ONE MAIN BUILDING OR USE ON A LOT LOCATED IN THE R-5, R-6, R-7, R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, OR I-3 DISTRICT; AMENDING SECTION 27.71.140 TO REDUCE THE MINIMUM SPACING BETWEEN TWO- AND THREE-STORY BUILDINGS TO 20 FEET, WITH FURTHER REDUCTION BY THE BUILDING AND SAFETY DEPARTMENT IF CODE REQUIREMENTS CAN BE MET - CLERK read an ordinance, introduced by John Spatz, amending Title 27 of the Lincoln Municipal Code to provide for more flexibility of uses and building arrangements on residential-zoned lots by amending Section 27.63.580 to allow the customary services of nonprofit religious, educational and philanthropic institutions, excluding retail uses, to locate within R-6, R-7, and R-8 by special permit; amending Section 27.71.130 to allow, under specified conditions, more than one main building or use on a lot located in the R-5, R-6, R-7, R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3 District; amending Section 27.71.140 to reduce the minimum spacing between two-and three-story buildings to 20 feet, with further reduction by the Building and Safety Department if code requirements can be met; and repealing Sections 27.63.580, 27.71.130, and 27.71.140 of the Lincoln Municipal Code as hitherto existing, the first time.

DECLARING APPROXIMATELY 5,697 SQUARE FEET GENERALLY LOCATED AT THE SOUTHWEST CORNER OF S. 27TH STREET AND RANDOLPH STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by John Spatz, declaring the City-owned property located at the southwest corner of S. 27th Street and Randolph Street as surplus and authorizing the sale thereof, the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)

VACATION 07002 - VACATING PORTIONS OF PRESCOTT AND LOWELL AVENUES AND AN EAST-WEST ALLEY IN BLOCK 30, GENERALLY LOCATED IN PRESCOTT AND LOWELL AVENUES BETWEEN S. 49TH ST. AND S. 51ST ST. (RELATED ITEMS: 07-87, 07-90) - CLERK read an ordinance, introduced by Doug Emery, vacating portions of Prescott Avenue and Lowell Avenue between South 49th Street and South 51st Street, and an east-west alley in Block 30, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

EMERY Moved to pass the ordinance as read.

Seconded by Spatz & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

The ordinance, being numbered **#18939**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07019 - APPLICATION OF COLLEGE VIEW SEVENTH-DAY ADVENTIST CHURCH FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DIST. TO R-6 RESIDENTIAL DIST. ON PROPERTY GENERALLY LOCATED AT S. 49TH ST. AND LOWELL AVE. (RELATED ITEMS: 07-87, 07-90) - PRIOR to reading:

CAMP Moved to amend Bill No. 07-90 in the following manner:

1. On page 1, lines 12, 13, 14, delete the references to R-6 and insert in lieu thereof R-3.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

EMERY Moved to pass the ordinance as amended.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

The ordinance, being numbered **#18940**, is recorded in Ordinance Book #26, Page

VACATION 07005 - VACATING THE RIGHT-OF-WAY FOR N. 61ST ST. NORTH OF AYLESWORTH AVE. AT BROWNELL ELEMENTARY SCHOOL - CLERK read an ordinance, introduced

by Doug Emery, vacating the right of way for North 61st Street north of Aylesworth Avenue at Brownell Elementary School, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

EMERY Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered **#18941**, is recorded in Ordinance Book #26, Page

VACATION 06009 - VACATING THE NORTH-SOUTH ALLEY BETWEEN N. 65TH ST. AND COTNER BLVD. FROM GARLAND ST. TO COLBY ST. - CLERK read an ordinance, introduced by Doug Emery, vacating the north-south alley between North 65th Street and Cotner Boulevard from Garland Street to Colby Street and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

EMERY Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered **#18942**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07025 - APPLICATION OF NEBRASKA NURSERIES FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DIST. TO B-2 PLANNED NEIGHBORHOOD BUSINESS DIST. ON PROPERTY GENERALLY LOCATED AT S. 80TH ST. AND PIONEERS BLVD. - PRIOR to reading:

COOK Moved to Place Bill No. 07-91 on Pending until Use Permit goes before Planning Commission.

Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin; NAYS: Spatz, Svoboda.

CLERK Read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CHANGE OF ZONE 07026 - APPLICATION OF HWS CONSULTING GROUP FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DIST. TO R-3 RESIDENTIAL DIST. ON PROPERTY GENERALLY LOCATED AT N.W. 48TH ST. AND W. CUMING ST. - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

EMERY Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered **#18943**, is recorded in Ordinance Book #26, Page

COMP. PLAN CONFORMANCE 07011 - DECLARING APPROXIMATELY 2,490 SQ. FT. AS SURPLUS PROPERTY GENERALLY LOCATED AT N. 42ND ST. AND CORNHUSKER HWY. - CLERK read an ordinance, introduced by Doug Emery, declaring the City-owned property generally located at North 42nd Street and Cornhusker Highway as surplus and authorizing the sale thereof, the third time.

EMERY Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered **#18944**, is recorded in Ordinance Book #26, Page

APPROVING AN AGREEMENT BETWEEN THE CITY AND TRINITY BAPTIST CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 3801 LASALLE ST., FOR A PERIOD OF JUNE 1, 2007 THROUGH AUGUST 31, 2007 - CLERK read an ordinance, introduced by Doug Emery, accepting and approving a lease agreement between the City of Lincoln and Trinity Baptist Church for the lease of office space by the Lincoln Area Agency on Aging for its Activage Center Program at 3801 Lasalle Street, Lincoln, Ne for a term beginning June 1, 2007 through August 31, 2007, the third time.

EMERY Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered **#18945**, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to June 25, 2007.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on June
25, 2007.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 2:44 P.M.

CAMP Moved to adjourn the City Council meeting of June 18, 2007.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant